

Unemployment Insurance Appeals

Either party (employer or claimant) may file an appeal of a claims deputy's Determination of Eligibility (UC-511) by requesting a hearing before an Administrative Law Judge (ALJ). There are two ways you can file your appeal, by mail to UI Appeals or in person at your local office.

What if I disagree with a benefit decision?

If your claim for benefits is denied or your benefits are reduced and you disagree with that decision, you have the right to an appeal. Your appeal will be heard in front of an Administrative Law Judge (ALJ). Your employer will also be present at the hearing. There is no charge for this appeal.

How do I file for an appeal?

If you are waiting for a claims deputy decision regarding your benefits, you will receive a "Determination of Eligibility" in the mail. It is the form that tells you if you will be receiving benefits.

To request an appeal

1. Fill out the "Notice of Appeal" on the back of the "Determination of Eligibility" form.
2. File your request for an appeal within **ten (10)** days of the date the local office mails the "Determination of Eligibility." This date can be found in the lower left hand corner of the form.

Filing by Mail

You must fill out all the information on the "Notice of Appeal" form in order to have a hearing in front of an Administrative Law Judge (ALJ).

1. State the reasons why you disagree with the decision.
2. Sign your name and check the box that says *claimant*.
3. Mail the appeal to the address on the form within **ten (10)** days of the mailing date of your "Determination of Eligibility."

Filing In Person

Go to the WorkOne office where you filed your initial claim for benefits within **ten (10)** days of the mailing date of your "Determination of Eligibility."

1. Take your "Determination of Eligibility" with you.
2. Tell the local office representative you want to file an appeal.
3. The representative will help you fill out the correct forms.

The ALJ hearing

You will be notified by mail of the date of your appeals hearing. Your former employer(s) will also be notified. You should receive a copy of "Your Right to an Appeal" when you receive your hearing notice. It will explain the appeals process to you in great detail. If you have questions or need more information about the appeals process, call the **Helpline at 1-888-WorkOne**.

- If you filed for the appeal you must attend the hearing or your appeal will be dismissed. If dismissed, appealing party has seven (7) days from mailing date of Dismissal to submit written request for reinstatement of appeal, and must show good cause for non-attendance at, or lateness to, hearing. No case shall be reinstated more than once.

- To protect your rights, you should also attend the hearing if your employer appeals. If you cannot attend a scheduled hearing you may request a postponement. You must notify the ALJ by fax or letter no later than **three (3)** days before the scheduled hearing and state a good reason for your request. You must also send a copy of your request to your employer. Requesting a postponement doesn't guarantee you will be given one. In your request to the ALJ, you must state that you have copied the other party about your request for postponement. If you are granted a postponement a Notice of Continuance will be mailed to all parties. If a request is made, and denied, a Denial Notice is mailed to all parties.
- Prepare for the hearing by knowing the issue(s) of your case, having only witnesses who have personal knowledge of the issues and bringing copies of any documents that may help explain your side of the case. You have the right to be represented by an attorney at the hearing, but it is not necessary.

What's the Issue?

Please know the issue(s) of your hearing. The issue determines who has the burden of proving these points:

- (a) If you quit work, you must prove you had a good, work-related reason for quitting.
- (b) If the employer fired you, the employer must prove there was a just cause for the firing.
- (c) If the issue involves your ability or desire to work, you must prove you are able, available, and making an effort to find a job.

What should I bring?

Please make sure you have copies of any documents for yourself and your employer. Any documents you have previously given to the deputy will not be in the ALJ's file. The ALJ can consider only the evidence and testimony presented under oath at the hearing. The hearing is required to be objective and independent of the initial claims process, so no evidence or documents previously submitted will be considered. The ALJ will consider all evidence that would be admissible under common law and the statutory rules of evidence.

Take a note pad and pencil with you. As others testify, keep accurate notes. The notes will help you when it's your turn to ask the witness questions.

What if my employer appeals a decision that was originally made in my favor?

If your former employer(s) disagree with the decision to give you benefits, they can appeal too. You will be notified of the hearing date and time.

- If you were receiving Unemployment Insurance benefits and your employer wins the appeal, you will have to pay back any benefits you have received. This is called an **over payment**.
- Regardless of the reason for the overpayment, you are required to repay all benefits. Therefore, it is in your best interest to give us accurate and complete information regarding your claim at all times.

What if I am not satisfied with the ALJ decision?

- You may appeal the Administrative Law Judge's decision to the Unemployment Insurance Review Board within *fifteen (15)* days of the mailing date of the ALJ decision. Visit your local WorkOne office for more information or call the Helpline at **1-888-WorkOne**.
- In most cases, the Review Board will examine the record of the ALJ hearing and will reach its decision, based upon the facts presented at that hearing. The Review Board may grant a request, to introduce additional evidence, if the requesting party shows good cause as to why the evidence was not presented at the ALJ hearing, and why the evidence is relevant. A party opposing an appeal or responding to a request to submit additional evidence may file a response with the Review Board within *seven (7)* days of the date an appeal or request to submit additional evidence is filed.